

**Executive Summary**  
**PDC Investigation of Case No. 01-203 & 01-204**  
**King County, King County Department of Transportation, King County Transit and**  
**Amalgamated Transit Union Local 587**

**Introduction**

Staff is bringing an enforcement matter to you on May 22, 2001 in which we are alleging that King County, King County Department of Transportation, and King County Transit violated RCW 42.17.680 by failing to obtain written authorization prior to withholding a special assessment from the wages of its employees, between September 28 and November 23, 2000.

**Law and Administrative Rule**

**RCW 42.17.680** requires employers to obtain the written request of its employees before withholding or diverting a portion of an employee's wages or salaries for contributions to political committees or for use as political contributions. The law requires that employees be informed of the prohibition against employer and labor organization discrimination for engaging in political activity. In addition, a new request must be obtained from participating employees every twelve months.

**WAC 390-17-100** lists the information that must be included on the authorization form. The form must include the name of the individual authorizing the withholding; the name of the individual's employer; the name of the committee receiving the withheld funds along with the amount withheld; the effective date of the withholdings; a statement that the authorization is only valid for twelve months; a statement that employers and labor organizations may not discriminate against an employee for his or her political contributions or activities; the employee's signature; and the date the form is completed.

**Background**

On March 26, 2001, a "45-Day Notice of Violation" was filed with the Office of the Attorney General and the Office of the King County Prosecutor alleging that King County, King County Department of Transportation, King County Transit, and Amalgamated Transit Union Local 587 (ATU Local 587) had violated RCW 42.17.680 by withholding a special assessment from the paychecks of King County employees to fight Initiative 745 (a statewide initiative on the November 7, 2000 ballot) without first obtaining the required written authorizations. Both the

Office of the Attorney General and the Office of the King County Prosecutor referred the complaint to the Public Disclosure Commission (PDC) for investigation and appropriate disposition.

On March 29, 2001, a similar complaint was filed with the PDC. Staff investigated both complaints. As a result of our investigation, staff is alleging that King County, King County Department of Transportation and King County Transit violated RCW 42.17.680. We are also asking the Commission to dismiss the complaint against ATU Local 587.

### **Findings**

Officials of King County, King County Department of Transportation, and King County Transit were made aware in August, 2000 that ATU Local 587 was requesting King County to withhold a special assessment from the wages of union members for the purpose of opposing Initiative 745.

On August 14, 2000, Clifford Freed, an attorney for ATU Local 587, sent a letter to Paul Toliver, Director of the King County Department of Transportation, asserting the union's right to conduct a special election for an assessment to oppose Initiative 745.

The letter to Mr. Toliver stated in part, *"Our client has advised us that Metro is denying it the right to distribute literature and conduct polling at various Metro bases during nonwork hours in nonworking areas, relative to an issue concerning a dues assessment of its membership. This assessment, if passed by a majority of the membership, would be used to oppose Initiative 745, which if it became law would have a substantial and deleterious impact on the collective bargaining rights of our membership. Metro's blanket prohibition of the Union's rights constitutes an unfair labor practice."* The letter goes on to state, *"Here, Local 587's distribution of literature to defeat Initiative 745 has a direct and substantial nexus to the working conditions of its members."* (Emphasis added.)

In a letter to Mr. Toliver dated August 16, 2000 signed by Lance Norton, President of ATU Local 587, King County officials were again notified that ATU Local 587 intended to hold an election to ask its members to approve a special assessment which if approved would ask King County to withhold wages from union members to oppose Initiative 745. The letter stated, *"On August 14, 2000, you received from our attorneys a letter setting forth our basis for asserting that we have the right to distribute literature and conduct a vote with respect to an assessment, in non-work areas on non-work time. Our attorneys assure us that we are on firm legal grounds with respect to these rights. This letter is to advise you that unless we receive from you, no later than 5:00 p.m. today, a compelling reason why we do not have the right to engage in such activities, on Thursday, August 24<sup>th</sup>, we will hold the special assessment vote at all our historical polling places."* (Emphasis added.)

Both Paul Toliver and Mary Peterson, Assistant Director of King County Transit, acknowledged that they were aware that the purpose of the special assessment was to oppose Initiative 745.

On August 25, 2000, Paul Griffin, Financial Secretary for ATU Local 587, notified King County Payroll Supervisor Mildred Llarenas that the union membership had elected to assess each member \$50 in special dues to “fight I-745.” The letter stated in part, “*Our membership, your employees, has voted to assess itself \$50.00 per member to fight I-745. Please deduct ten dollars (\$10.00) per bi-weekly payroll for each of the next five paydays:...*” In the August 25<sup>th</sup> letter, the Union notified King County officials that the purpose of the special assessment was to oppose Initiative 745.

On October 24, 2000, Paul Griffin sent a letter to Ms. Llarenas that stated in part, “*Enclosed please find additional copies of the official Waiver for Assessment, for those individuals who should **not** have the \$10.00 per pay day assessment taken.... The assessment should end with the check issued on Nov.23<sup>rd</sup>...*” Ms. Llarenas said she knew that the funds would be used to oppose Initiative 745. She stated that King County did not obtain a written authorization from each union employee authorizing the special assessment deduction.

King County withheld \$155,797.24 from the pay of ATU Local 587 members between September 28 and November 23, 2000. Approximately 3,000 employees had the special assessment withheld. Approximately 240 union members signed a union waiver form and did not have the special assessment withheld. King County Payroll remitted the special assessment funds to ATU Local 587.

ATU Local 587 used the special assessment funds to make political contributions. For example, Citizens for Real Transportation Choices, a political committee, reported receiving from ATU Local 587 \$75,000 on October 4, 2000, \$4,800 on October 31, 2000, and \$2,500 on October 2, 2000. In addition, Amalgamated Transit Union Legislative Council Committee on No I-745 reported receiving \$13,000 from ATU Local 587 on October 14, 2000.

### **Conclusion**

King County officials were made aware in August, 2000 by ATU Local 587 that the union intended to hold an election to determine whether to have a special assessment deducted from the wages of its members for the purpose of opposing Initiative 745. On August 25, 2000, King County officials were informed that the membership of ATU Local 587 had approved the special assessment. King County was asked by union officials to withhold \$50 from each member between September 28 and November 23, 2000 unless a member signed a union waiver form. The Financial Secretary provided a list of those union members who had signed a waiver form.

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King County withheld \$155,797.24 from the wages of its employees who were members of ATU Local 587, in accordance with instructions received from the Financial Secretary of the union. The wages withheld were remitted to ATU Local 587. King County was aware that the wage deductions were the result of a special assessment to oppose Initiative 745. King County did not obtain written authorizations from the employees before making the deductions and remitting the funds to ATU Local 587.

Therefore, staff alleges that King County, King County Department of Transportation, and King County Transit violated **RCW 42.17.680** by failing to obtain written authorization prior to withholding a special assessment to oppose Initiative 745 from the wages of its employees, between September 28 and November 23, 2000.

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